IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 16516 of 2005(N)

PETITIONER:

PRAVEEN.P., KALATHIL HOUSE,
KODANNOOR, TRICHUR DISTRICT.

BY ADV. SRI.N.SUKUMARAN
SRI.S.SHYAM
SRI.N.K.KARNIS
SRI.BOBBYMATHEW KOOTHATTUKULAM
SRI.LATHEESH SEBASTIAN

RESPONDENTS:
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1. LIFE INSURANCE CORPORATION OF INDIA,
REPRESENTED BY ITS MANAGING DIRECTOR,
MUMBAI.

2. THE MARKETING MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
ERNAKULAM DIVISION, M.G.ROAD, COCHIN.

3. INSURANCE INSTITUTE OF INDIA,
P.O.BOX NO.1507, UNIVERSAL INSURANCE BUILDING,
6TH FLOOR, SRI.P.M.ROAD, MUMBAI-400001.

BY ADV. SRI.S.EASWARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.16516/05

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE RECEIPT FOR RS.25/- ISSUED BY THE 1ST RESPONDENT DT.17.2.05.

EXT.P2: TRUE COPY OF THE RECEIPT FOR RS.150/- ISSUED BY THE THRISSUR BRANCH OF THE 1ST RESPONDENT DT.17.2.05.

EXT.P3: TRUE COPY OF THE RECEIPT ISSUED FROM THE BANK FOR PURCHASING DEMAND DRAFT FOR RS.200/- DT.17.3.05.

EXT.P4: TRUE COPY OF THE RECEIPT ISSUED BY THE BANK FOR PURCHASING DEMAND DRAFT FOR RS.200/- DT.30.4.05.

EXT.P5: TRUE COPY OF THE RELEVANT EXTRACT OF THE REGULATION OF THE 1ST RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

ANTONY DOMINIC, J.

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W.P.(C) NO.16516 OF 2005 - N
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Dated this the 5th day of December, 2007

J U D G M E N T

The prayer in this writ petition is to direct the respondents 1 and 2 to issue Insurance Agent's Licence to the petitioner without further delay.

2. Petitioner aspires to be appointed as Insurance Agent. It is submitted that he has passed the examination conducted by the Insurance Regulatory and Development Authority. On the basis of the eligibility he has thus achieved, petitioner had applied to the 2nd respondent for being appointed as an Insurance Agent, which is governed by Ext.P5, the Regulations framed by the IRDA in this behalf. A reading of Ext.P5, particularly Clause 3 thereof, shows that it involves a process of selection.

3. In this case, the 2nd respondent has filed a detailed counter affidavit, wherein it is stated in Para 9 thereof, that when the designated person interviewed the petitioner, it was found that the petitioner was not suitable for appointment as an Agent. It was also stated that for the second time the petitioner was again interviewed on 12/5/05, when also it was found that there was absolutely no improvements in the performance of the

petitioner. According to the 2nd respondent, it was on account of the unsuitability of the petitioner that he was not selected as an Insurance Agent.

4. A reading of Clause 3 of Ext.P5 Regulations show that the appointment as Insurance Agent depends upon a persons suitability to perform the duties that are attached to the agency. The suitability of the person concerned has to be assessed in the manner as indicted in Clause 3(2) of the said Regulations. It is as part of such assessment that the petitioner was interviewed twice. In the process of such assessment, when the petitioner has been found to be unsuitable by the designated person that judgment of the designated person should be accepted except in extreme cases where the petitioner is able to satisfy this court that there is arbitrariness or malafides involved in the selection so conducted. Petitioner has not succeeded in this respect and therefore, I should accept the judgment of the designated person. If that be so, petitioner is not entitled to the relief sought for in the writ petition.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE

Rp